

REMARKS

Claims 1-27 are pending in this application. Reconsideration and allowance of this application are respectfully requested.

Claim rejections - 35 U.S.C. §103

Claims 1-5, 7-8, 10-15, 18, 20-23 and 25-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gerson et al. (hereinafter "Gerson") U.S. Patent No. 4,870,686 in view of Ammicht et al. (hereinafter "Ammicht") U.S. Patent No. 6,246,986. This rejection is respectfully traversed.

Applicants submit that Gerson and Ammicht, individually or in combination, fail to disclose or suggest a method of recognizing speech in systems that accept speech input, comprising at least:

immediately feeding back the recognition result for verification by the user, wherein the recognition result is interrupted by the user prior to being fed back for verification

as recited in claim 1.

The Examiner admits, on page 4 in the Office Action, that "Gerson does not teach the use of a barge-in feature that allows a user to interrupt a recognition result before it is completely fed back to the user. Yet, the Examiner attempts to overcome the noted deficiency of Gerson by arguing that Ammicht teaches the interruption of the recognition result prior to being fed back for verification.

However, Ammicht is a completely different system and process than the claimed invention. Specifically, although Ammicht may disclose a barge-in operation so as to ascertain whether the system receives an utterance that is intended to be interrupted or merely noise, it is respectfully submitted that the barge-in feature is not performed during the recognition result of the feedback. Ammicht merely discloses a recognizer 110 of speech that

listens to all incoming signals and determines whether the incoming signal corresponds to a useful signal, such as speech or DTMF signals or to a non-useful signal. The recognizer 110 then determines partial utterances, and interacts with the turn-taking module to analyze the collective words and the rate at which the collective words are accumulated. Based on this analysis, the arrangement determines whether to expect additional input from the user, or whether to conclude that no additional input is to be expected. An action is then taken based on the collected input speech. The action may immediately turn off the playing prompt and proceed with the task requested by the user, hold on to an inconclusive determination of the user's request and continue playing the prompt, discard the inconclusive determination or any other action that is deemed appropriate (col. 2, ln. 64 – col. 3, ln. 15). Accordingly, Ammicht fails to disclose that the recognition result is interrupted by the user prior to being fed back for verification, as recited in claim 1.

Even assuming, *arguendo*, that the Examiner's position is correct, the Examiner has failed to provide any evidence or motivation why the interactive voice response unit of Ammicht would be used in the user-interactive speech recognition control system of Gerson, or more specifically, evidence as to why one of ordinary skill in the art would be motivated to incorporate a "barge-in" feature of Ammicht into a system of Gerson, when Gerson discloses that the recognized digits must be completed prior to continuing the digit sequence.

This shortcoming of Gerson which must be supplemented by some other teaching wherein one of ordinary skill in the art must be motivated to provide the supplemental teaching by some motivation, teaching or suggestion of the desirability to make the combination as indicated *In re Dembiczak*, 50 USPQ2d 1646 (Fed. Cir. 1999) and *In re Kozab*, 55 USPQ 1313 (Fed. Cir. 2000).

Further, the Examiner is using *impermissible hindsight* reconstruction to reject the features recited in claim 1. For example, the Examiner's assertion that "it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify the teachings of Gerson with the "barge-in" feature taught by Ammicht in order to help facilitate user-machine interactions by allowing a user to interrupt a prompt with a meaningful speech input at a time," is not evidence for obviousness. Applicants disagree with the Examiner's reasoning, and submit that the mere possibility that one element in one reference could be used in another is not sufficient evidence of a suggestion or motivation to combine the two references. Applicants submit that the Examiner has used the present application as a blueprint, selected a prior art speech recognition control system of Gerson as the main structural device, and then searched other prior art for the missing features (e.g., recognition result is interrupted by the user prior to being fed back for verification", without identifying or discussing any specific evidence of motivation to combine, other than providing conclusory statements regarding the knowledge in the art, motivation and obviousness. The Federal Circuit has noted that the PTO and the Courts "cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention", *In re Fine*, 5 USPQ2d 1780 (Fed. Cir. 1988), and that the best defense against hindsight based obviousness analysis is the rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references. Thus, Applicants submit that the Examiner has failed to provide evidence of motivation for combining the teachings of Gerson and Ammicht.

Accordingly, the Examiner has not adequately supported the selection and combination of Gerson and Ammicht to render claim 1 obvious.

For at least these reasons, claim 1 and those claims dependent thereon are allowable over the prior art. Withdrawal of this rejection is respectfully requested.

Regarding claim 13, Applicants submit for similar reasons stated above with regard to claim 1, that claim 13 and those claims dependent thereon are also allowable over the prior art. Withdrawal of this rejection is also respectfully requested.

Claims 6, 17 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gerson in view of Ammicht, and further in view of Hou et al. (hereinafter “Hou”) U.S. Patent No. 5,325,421. This rejection is respectfully traversed.

As discussed above, Gerson and Ammicht neither disclose nor suggest the claimed invention as found in claims 1 and 13, the independent claims from which the rejected claims depended. Further, Hou fails to overcome the noted deficiencies of Gerson and Ammicht. Thus, it is respectfully requested that the rejection be withdrawn.

Claims 9 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gerson in view of Ammicht, and further in view of Larson (“investigating a mixed initiative dialogue management strategy”, 1997). This rejection is respectfully traversed.

As discussed above, Gerson and Ammicht neither disclose nor suggest the claimed invention as found in claims 1 and 13, the independent claims from which the rejected claims depend. Further, Larson fails to overcome the noted deficiencies of Gerson and Ammicht. Thus, it is respectfully requested that the rejection be withdrawn.

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gerson in view of Ammicht, and further in view of Ladd et al. (hereinafter “Ladd”) U.S. Patent No. 6,269, 336. This rejection is respectfully traversed.

As discussed above, Gerson and Ammicht neither disclose nor suggest the claimed invention as found in claim 13, the independent claim from which the rejected claim depends. Further, Ladd fails to overcome the noted deficiencies of Gerson and Ammicht. Thus, it is respectfully requested that the rejection be withdrawn.

RESPONSE TO ARGUMENTS

Applicants submit that the Examiner has failed to provide an adequate affidavit or declaration setting for the specific factual statements and explanation to support the findings as noted in 37 C.F.R. §1.104(d)(2) and M.P.E.P. 2114.03. Specifically, the Examiner challenges Applicants' request with regards to claims 7-8 and 22-23 and takes official notice with knowledge of prior art by providing the reference of Vanbuskirk et al. (U.S. Patent No. 6,505,155) to teach the features found in claims 7-8 and 22-23.

However, Applicants submit that if the Examiner in relying on Vanbuskirk to teach the features found in claims 7-8 and 22-23, it is respectfully submitted that Vanbuskirk must be applied as a rejection under a statutory basis. In other words, it is improper for the Examiner to cite prior art without applying the specific reference to reject the claims.

CONCLUSION

In view of the above amendments and remarks, reconsideration and allowance of each of claims 1-5, 7-8, 10-15, 18, 20-23 and 25-27 is earnestly solicited.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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